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March 29, 2020

BY ELECTRONIC FILING

Honorable A. Kathleen Tomlinson
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722-9014

Re: *McCune v. County of Suffolk, et al.*
Docket No.: 2:14-CV-04431 (JS)(AKT)

Dear Hon. Tomlinson,

This office represents Plaintiff Steven McCune. We write the Court to provide the Joint Status Report as ordered by your Honor on January 23, 2020, regarding the discovery of this underlying civil matter.

For clarity and ease of reference, we structure our report in parallel to Your Honor's order - stating first the requested status update, then the status update.

REQUESTED UPDATE:

Confirming that all paper production has been completed and that any objections to productions have been resolved (and if not, state why not)

STATUS UPDATE:

Both parties have completed paper production without objection to the documents which have been produced. On September 17, 2014, Plaintiff first produced his Rule 26 disclosures to Defendants. On February 3, 2020, Plaintiff received Defendants' Rule 26 disclosures. Thereafter, on February 4, 2020, Plaintiff responded to Defendants' Rule 34 Document Requests, and Defendants responded to Plaintiff's Rule 34 Document Requests on February 14, 2020. However, the Defendants responses were contested by Plaintiff and notice was sent to Defendants on March 6, 2020. Thereafter, a *meet and confer* was conducted and

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Defendants indicated they would comply, but needed a signed confidentiality agreement. Plaintiff promptly executed said requested agreement and returned it to Defendants. Defendants supplied some documents for "Attorney's eyes only" but did not provide further answers and responses to Plaintiff's demands as outlined in the March 6, 2020 letter.

REQUESTED UPDATE:

Confirming that all interrogatory responses have been certified by the client as to their accuracy and completeness and that any objections to interrogatory responses have been resolved (and if not, state why)

STATUS UPDATE:

Plaintiff provided true and complete responses to Defendants' Interrogatories on February 4, 2020. Defendants have not made a claim to Plaintiff as of yet that Plaintiff's responses are deficient. Plaintiff received Defendants' responses to Plaintiff's Interrogatories on February 14, 2020. Plaintiff wrote a letter in good faith to Defendants, dated March 6, 2020, in which Plaintiff stated in detail that Defendant's responses are deficient pursuant to FRE 33 and 34. A telephone conversation occurred between Mr. Brewington and Ms. Zwilling on March 17, 2020 to discuss Plaintiff's concerns relating to Defendants' responses. During that conversation Ms. Zwilling expressed that she would supplement the responses with records from the Internal Affairs Bureau, which has been done. However, Plaintiff still contends that the supplemented documents do not answer in full the Interrogatories posed by Plaintiff.

REQUESTED UPDATE:

Stating whether there are any outstanding discovery disputes

STATUS UPDATE:

As described above, there is an outstanding discovery dispute relating to responses to Plaintiff's Interrogatories. Plaintiff claims that as of yet Defendants have not provided true and complete responses to Plaintiff's Interrogatories which satisfy the Federal Rules of Evidence 33 and 34.

REQUESTED UPDATE:

Confirming that counsel have conferred with each other and reached an agreement concerning whom they wish to depose in the case, including both party and non-party witnesses and providing a date on which the last deposition is scheduled to be taken

STATUS UPDATE:

Counsel have conferred with each other and have reached an agreement concerning whom both parties wish to depose. Defendants have notified Plaintiff to take the deposition of Plaintiff, Steven McCune, which did not occur on the noticed date. Defendants have not deposed Plaintiff as of yet. Plaintiff notified Defendants on March 4, 2020 to take the

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Depositions of party witnesses P.O. John A. Kurklen on April 2, 2020, P.O. Michael S. Turansky on April 7, 2020, P.O. Christopher M. Zuccarello on April 10, 2020, and lastly P.O. John A. Vohs on April 15, 2020.

REQUESTED UPDATE:

Confirming whether discovery is proceeding on schedule

STATUS UPDATE:

Demands and responses to both parties Interrogatories and Document Demands have for the vast majority proceeded on schedule, to the exception of the ongoing dispute related to Dependents' responses to Plaintiff's Interrogatories and Document Requests. Both Parties remain to conduct depositions of party and non-party witnesses and to ensure that the set dates of depositions are still amicable to both parties given the COVID-19 epidemic and its impact on the legal proceedings in this case and within our entire legal system.

Should you have any questions kindly feel free to contact us. We hope this information is helpful to the Court and we thank the Court for its kind consideration.

Respectfully Submitted,

/s/ Frederick K. Brewington

FREDERICK K. BREWINGTON

cc: Arlene Zwilling, Esq. (By ECF)
FKB:pl